

Cabinet Secretary for Justice and Home Affairs
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Dùthcha
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Kenneth Gibson MSP
Convener
Finance and Public Administration Committee
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In copy:
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17 March 2026

Dear Convener,

FAMILY ADVOCACY SERVICE – NOTIFICATION OF EXPENDITURE WITHOUT STATUTORY AUTHORITY

I am writing to inform you of my intention to commission a specialist third-sector provider to deliver a trauma-informed, independent Family Advocacy Service that offers practical, emotional, and procedural support to bereaved families throughout investigative and inquiry processes. The procurement will follow an open and transparent competitive procedure in line with public sector procurement legislation and best practice.

This service is being developed in line with the commitments made to Parliament by statement on 23 January and 27 March 2025, regarding Deaths in Custody. On those dates, I set out the actions the Scottish Government and Scottish Prison Service are taking to address the systemic failures identified by Sherriff Collins in the [joint Fatal Accident Inquiry \(FAI\) determination](#) into the deaths in custody of Katie Allan and William Lindsay, also known as William Brown. In addition to my commitment to introduce a new family advocacy role, the [Programme for Government](#) this year reaffirms my commitment to strengthen family advocacy.

The Scottish Ministers, through their Justice and Home Affairs portfolio, will provide funding of up to £150K from the budget for each financial year 2026-27, 2027-28 & 2028-29 for the establishment of the Family Advocacy Service for families bereaved following the death of a loved one in prison custody. In the absence of statutory powers to do so, the provision of this funding will be made under Scottish Ministers' common law powers.

Please note that this is an indicative confirmation and cannot be taken as a guarantee: all indicative funding commitments are subject to the outcome of any spending review by the

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Scottish Government and approval of the annual Budget Bills by the Scottish Parliament during this period.

Where there is no statutory power to undertake a particular activity, (provided any necessary resultant expenditure is authorised by Budget Act for the financial year in question), Ministers may use their common law powers to make expenditure. This is provided the expenditure is not of a continuing nature, unless either the sums involved are below £1 million a year or Ministers undertake to seek statutory powers at the first available opportunity.

The Budget (Scotland) Act 2025 provides Parliamentary authority for this expenditure. Parliament having not been informed of Ministers' reliance on common law powers for this expenditure previously, I trust that the information in this letter provides the requisite notification. I would, of course be happy to provide further information should the Committee require this.

Yours sincerely,

ANGELA CONSTANCE

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